

Message Text

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64

ACTION DLOS-07

INFO OCT-01 ARA-16 EUR-25 ISO-00 CG-00 AF-10 EA-11 NEA-14

RSC-01 CIAE-00 DODE-00 PM-07 H-03 INR-11 L-03 NSAE-00

NSC-07 PA-04 PRS-01 SP-03 SS-20 USIA-15 FEA-02 AID-20

CEQ-02 COA-02 COME-00 EB-11 EPA-04 IO-14 NSF-04

SCI-06 ACDA-19 AEC-11 AGR-20 DOTE-00 FMC-04 INT-08

JUSE-00 OMB-01 CIEP-03 CEA-02 OIC-04 DRC-01 /297 W

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R 292136Z AUG 74

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 5632

INFO AMEMBASSY OTTAWA

USUN NEW YORK 810

C O N F I D E N T I A L CARACAS 8478

FROM USDEL LOS

EO 11652: GDS

TAGS: PLOS: PFOR

SUBJ: LOS: BILATERAL DISCUSSIONS WITH CANADA ON MARINE POLLUTION.

1. US REP MOORE AND LOS TEAM INCLUDING LEITZELL, DUGGER, TAFT AND YOUNG MET WITH CANADIAN TEAM HEADED BY LEGAULT AND INCLUDING MACGILLAVRAY, DEMESTRAL AND PHILLIPS TO CONTINUE EXPLORATORY DISCUSSIONS.

2. DISCUSSION CENTERED ON INFORMAL PAPERS ON ENFORCEMENT QUESTIONS PREPARED BY CANADIANS. HIGHLIGHTS WERE AS FOLLOWS:
(A) CANADA FELT SEVERAL RESTRICTIONS WERE NECESSARY IF WE WERE TO OBTAIN COMMON OBJECTIVE ON PORT STATE ENFORCEMENT POWERS REGARDING INTERNATIONAL DISCHARGE STANDARDS. FOR ILLEGAL DISCHARGES IN ECONOMIC ZONE OF ANOTHER STATE, REQUEST OF THAT STATE OR OF FLAG STATE WOULD BE NECESSARY. FOR ILLEGAL DISCHARGES
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BEYOND ECONOMIC ZONE, REQUEST OF FLAG STATE WOULD BE NECESSARY.

THEY WOULD ALSO REQUIRE THAT ONLY MONETARY PENALTIES BE IMPOSED, THAT THERE BE SIX-MONTH STATUTE OF LIMITATIONS AND THAT VESSELS BE PROMPTLY RELEASED UNDER BOND.

(B) ON FLAG STATE ENFORCEMENT, THEY WANTED TO ESTABLISH STRONG OBLIGATION TO ENFORCE INTERNATIONAL STANDARDS AND TO ACCEPT DOCUMENTARY EVIDENCE PRESENTED BY ANOTHER STATE.

(CL ON COASTAL STATE ENFORCEMENT, THEY WANTED RIGHTS TO ENFORCE ALL TYPES OF STANDARDS IN THE TERRITORIAL SEA WITH A RIGHT TO EITHER ARREST OR EXPEL THE OFFENDING VESSEL. IN ECONOMIC ZONE, THEY WANTED RIGHT TO STOP AND INSPECT VESSEL FOR DISCHARGE VIOLATIONS AND TO EXPEL IT FROM THE ZONE. ARREST AND PROSECUTION WOULD ONLY BE AUTHORIZED FOR FLAGRANT VIOLATIONS THREATENING SEVERE DAMAGE TO THE COASTAL STATE. FOR VIOLATIONS OF STANDARDS SET FOR A DANGEROUS AND VULNERABLE AREA, COASTAL STATE COULD EITHER EXPEL OR ARREST VESSEL. SAME TYPES OF SAFEGUARDS AS LISTED UNDER PORT STATE SECTION ABOVE WOULD APPLY HERE AS WELL. THEY ALSO INDICATED THEY HAD NOT FULLY THOUGHT THROUGH PROBLEMS OF ENFORCEMENT OF CONSTRUCTION STANDARDS AND WOULD PERHAPS BE WILLING TO RELY ON A RIGHT TO VERIFY POSSESSION OF CERTIFICATES REQUIRED BY INTERNATIONAL STANDARDS.

3. IT WAS AGREED BY BOTH SIDES THAT THE MOORE AND LEGAULT TEAMS WOULD CONTINUE NEGOTIATIONS IN WASHINGTON OR OTTAWA IN FALL AND THAT WE WOULD BE IN TOUCH THROUGH RESPECTIVE EMBASSIES. BASIC PLAN WOULD BE FOR THREE-FIVE DAY INTENSIVE SESSIONS TO FINALIZE AGREEMENT. LEGAULT EMPHASIZED THAT HE WOULD NEED SOME TIME FOR FURTHER PREPARATION AND FOR CONSIDERATION BY MINISTERS OF CANADIAN OBJECTIVES AND POSITION.

4. AT DINNER NEXT EVENING (AUG 29) GIVEN BY CANADIANS IN HONOR OF CANADIAN MINISTER OF EXT. AFF., TED LEE AND ALLAN BEAZLEY EMPHASIZED UTILITY OF EARLY MEETING ON MARINE POLLUTION ISSUES IN OTTAWA OR WASHINGTON. LEE SUGGESTED MEETING BEFORE MEPC AND EVANSEN GP MEETINGS MIGHT BE USEFUL AND SPECIFICALLY SUGGESTED MID OCTOBER. LEE ALSO MENTIONED POSSIBILITY OF STRAITS DISCUSSIONS BETWEEN US AND CANADA PERHAPS IN DAYS AFTER MARINE POLLUTION DISCUSSION.
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